

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 4763 of 2018 (O&M)
Date of Decision : 29.05.2019

Rajbala and othersAppellants

Versus

Mange Ram and othersRespondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amit Singla, Advocate
for Mr. Narender Kaajla, Advocate
for the appellants.

Mr. Ashwani Bhardwaj, Advocate
for respondents no. 1 and 2.

Mr. Satish Jain, Advocate
for respondent no. 3.

Surinder Gupta, J. (Oral)

Motor Accident Claims Tribunal, Hisar (later referred to as ‘the Tribunal’) vide award dated 05.04.2018, awarded compensation of ₹23,30,000/- for death of Ram Singh (later referred to as ‘the deceased’) in a motor vehicle accident on 26.04.2017 with Car bearing registration no. HR-03D-3033 (later referred to as ‘the offending vehicle’).

2. As the only relief pressed in this appeal is for enhancement of compensation as awarded by Tribunal, detailed facts of the case are being skipped for the sake of brevity.
3. The compensation awarded by the Tribunal was computed as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Ram Singh
(ii)	Age of the deceased	46 years
(iii)	Date of accident	26.04.2017
(iv)	Marital status	Married
(v)	Annual income of the deceased	₹19422 per month

(vi)	1/4 th of (vi) above deducted towards personal expenses	(₹19422- ₹4855) = ₹14567 per month
(vii)	Compensation calculated after applying the multiplier of 13	(₹14567X12X13) = ₹2272452
(viii)	Compensation towards loss of consortium	₹40000
(ix)	Compensation towards funeral expenses.	₹15000
(x)	Compensation towards transport and misc. expenses	₹2548
Total		₹2330000

4. Learned counsel for appellants confined his submission only for grant of addition in income of the deceased towards loss of future prospects as per law settled in case of **National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009.**

5. Learned counsel for the respondents have no objection if addition in income of the deceased is allowed as per law settled in aforesaid case.

6. The deceased was Patwari in Canal Department. He was 46 years of age. As per law settled in case of ***Pranay Sethi (supra)***, claimants are entitled to 30% addition in income of the deceased towards loss of future prospects being a Government employee. Claimants are also entitled to compensation of ₹70,000/- under the conventional heads.

7. In view of above, compensation to which claimants-appellants are entitled, is reassessed as follows:-

(i)	Name of the deceased	Ram Singh
(ii)	Age of the deceased	46 years
(iii)	Annual income of the deceased	₹19422 per month
(iv)	30% of (iii) above added towards future prospects	(₹19422+ ₹5826)= ₹25248 per month
(v)	1/4 th of (iv) above deducted towards personal expenses	(₹25248- ₹6312) = ₹18936 per annum
(vi)	Compensation calculated after applying the multiplier of 13	(₹18936X12X13) = ₹2954016

(vii)	Compensation towards loss of consortium	₹40000
(viii)	Compensation towards loss of estate	₹15000
(ix)	Compensation towards funeral expenses	₹15000
(x)	Compensation towards transport and misc. expenses as awarded by the Tribunal	₹2548
Total		₹3026564 (rounded off to ₹3026570)

8. As a sequel of my discussion above, this appeal has merit and the same is accepted. Award of the Tribunal is modified and the compensation allowed to claimants for death of **Ram Singh** is enhanced from **₹23,30,000/-** to **₹30,26,570/-**. The enhanced amount of compensation will carry interest @ 7.5% per annum from the date of filing of the appeal till actual realization. Respondent No. 3 being insurer of the offending vehicle will deposit the share of claimants-appellants in their bank accounts or pay the same through demand draft. The enhanced amount of compensation shall be shared by claimants as per award.

9. The share of claimants no.2 and 3, who are minor, will be deposited in some nationalized bank as fixed deposit till the period they attain majority. It is, however, made clear that the bank may take the documents regarding age of minor as required at the time of deposit of the amount and they shall not be asked to bring fresh order from the Tribunal to get the payment of the amount deposited in their names after the date of their attaining majority. The above direction has been issued to save claimants from unnecessary harassment caused due to directions, the bank usually give to bring the order of Tribunal to get the payment even after attaining the age of majority. Claimant-Rajbala, being mother and natural guardian of minor claimants shall be entitled to get interest on the share of minor deposited

convenience to meet expenses of their up bringing.

10. In the event of demise of any of the claimant(s) before or after disposal of this appeal, compensation of his/her share shall be paid to surviving claimant(s).

May 29, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No